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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO

WAYNE BILLINGSLEY, WAVA BILLINGSLEY)	CASE NO. 1: 02 CV 5853 REC DLB
AND CALIFORNIA AGRI SPRAYERS, INC.,)	
A California Corporation)	JOINT STIPULATION TO VACATE
)	PRETRIAL CONFERENCE DATE
)	AND TO SET NEW PRETRIAL
Plaintiffs,)	CONFERENCE DATE and ORDER
)	
vs.)	[Local Rule 78-230(g); 83-143]
)	
LOVELAND INDUSTRIES, INC. d.b.a.)	
UAP WEST, a Colorado Corporation and)	
DOES 1 through 50, inclusive)	
)	
Defendant(s))	
_____)	

COME NOW PLAINTIFFS WAYNE BILLINGSLEY, WAVA BILLINGSLEY AND CALIFORNIA AGRI SPRAYERS, INC. BY AND THROUGH THEIR ATTORNEY OF RECORD GERALD M. LEVERETT AND DEFENDANTS LOVELAND INDUSTRIES, INC. D.B.A. UAP WEST BY AND THROUGH THEIR ATTORNEYS OF RECORD GORDON & REES, KEVIN ALEXANDER AND J. L. SEAN SLATTERY, WHO STIPULATE TO VACATE THE CURRENT PRETRIAL CONFERENCE DATE AND TO SET A NEW PRETRIAL CONFERENCE DATE IN THE WITHIN ACTION; AND WHICH STIPULATION PROVIDES:

BACKGROUND:

1. Plaintiffs Billingsleys, the owners of certain real property located in the County of Tulare, State of California more particularly referred to by Tulare County Tax Assessors' Numbers 338-070-006, 338-260-016, 338-070-005 and 338-070-006, being a portion of Section 32, Township 26 South, Range 26 East MDB&M.

2. The above referred to real property is devoted to agricultural purposes and specifically three separate almond orchards.

3. The orchards are owned by Plaintiff California Agri Sprayers, Inc., a California corporation. Plaintiffs Billingsleys are the owners of 100 percent of the shares of stock in California Agri-Sprayers, Inc.

4. During the pendency of this action, Plaintiffs' counsel underwent abdominal surgeries in February, March, June and November of 2004. The parties conducted discovery while accommodating counsel's medical needs.

6. The parties have exchanged Expert Witness Disclosures and have commenced Expert Witness Discovery and Depositions.

7. Recently, however, factual developments regarding the subject orchard have occurred that may potentially affect the entire scope of this litigation.

8. Counsel and experts for both parties are currently attempting to determine how, if at all, the scope of this litigation will change as a result of the aforementioned factual developments.

9. Certain Discovery Disputes regarding Responses to Requests for Admissions and the Deposition of Wayne Billingsley have arisen. There is a hearing currently set before the Honorable Dennis Beck, Magistrate Judge, to resolve these disputes. The hearing date is Friday, August 5, 2005 at 9:00 a.m. in Courtroom 5. These Discovery Disputes must be resolved prior to the schedule Pretrial.

10. Plaintiffs and Defendant believe that it is necessary to vacate the current Pretrial Conference date in order to resolve Discovery Disputes to conduct further discovery

STIPULATION

WHEREFORE, based upon the above facts the parties hereto stipulate to vacate the current Pretrial Conference date of August 5, 2005 and further stipulate to reset a Pretrial Conference date to August 19, 2005.

So stipulated.

Date: JULY 21, 2005

Gerald M. Leverett, Esq. /s/
Wayne Billingsley, Wava Billingsley,
By Gerald M. Leverett, Esq.

Date: JULY 21, 2005

Gerald M. Leverett, Esq. /s/
California Agri Sprayers
By Gerald M. Leverett, Esq.

So Stipulated.

Date: JULY 21, 2005

J. L. Sean Slattery, Esq. /s/
Loveland Industries, Inc. d.b.a.
UAP West
By J.. L. Sean Slattery, Esq.

ORDER

The Court, having considered the Joint Stipulation of the parties hereto to vacate the current Pretrial Conference date, and GOOD CAUSE APPEARING, the Court hereby approves the Stipulation. The Pretrial Conference date of August 5, 2005 in the above referenced matter is hereby vacated, and a new Pretrial Conference date of August 19, 2005 is set.

IT IS ORDERED.

DATE: July 25, 2005

____/s/ Dennis L. Beck_____
DENNIS BECK
U. S. MAGISTRATE JUDGE